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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,351	05/10/2001	Milivoj Vujic	P24,748 USA	5172

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EXAMINER	
HOOK, JAMES F	
ART UNIT	**PAPER NUMBER**
3754	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/744,351	VUJIC ET AL.	
	Examiner	Art Unit	
	James F. Hook	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 May 2007 and 24 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,19-23 and 25-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,19-23 and 25-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/5/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 20 recites that the fastening system extends between the outer surface layer through the insulation layer to the supporting mesh which is contradictory to the language now found in claim 1 from which claim 20 depends, which states that the panel is directly mounted to the process vessel by the mounting means when it is known that the mesh layer is not going to be allowing for direct connection of the mounting means to the process vessel, thereby rendering the claim indefinite where the scope of the claim cannot be clearly determined when there is no way the mounting means can extend to the mesh and at the same time be directly connected to the process vessel outer wall.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 21, 23, 25, 27, 28, 32, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Madsen (AU-13469/95). The reference to Madsen as seen in figure 7 discloses the recited insulation module where the use of such with a process vessel is considered merely intended use, where the insulation system of Madsen is capable of use with other known uses for insulation systems, comprising an externally mounted pre-fabricated panel having integrally formed therein an outer surface 4, a thermal insulation layer 15 opposing a portion of the outer wall 1 to which it is directly attached, mounting means 2 extending from the panel to the outer wall at a distance therefrom to define an air gap between the panel and the outer wall when the insulation module is mounted relative thereto, the panel is mounted to the outer wall by the mounting means which includes a plurality of brackets secured to the outer surface layer via screw 11 which extends through the outer surface layer and is connected via screw 9 to the wall, where arm 5 acts as a speed clip, each bracket includes a mounting leg 6 that supports the panel where the screws are threaded rod stubs, where the method of attaching the system is also set forth, and the method of use where such is capable of connection to a vessel when such is considered an existing structure for which the system of Madsen is designed, where the screw 11 adheres the outer surface layer to the panel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 19, 20, 29-31, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen (AU-13469/95) in view of Shahan. The reference to Madsen discloses all of the recited structure with the exception of using a fibrous insulation such as fiberglass and providing a mesh layer. The patent to Shahan discloses that it is old and well known in insulation systems to utilize different types of insulation including a fiberglass fibrous insulation material which is supported by a mesh layer 14 in a spaced manner by a plurality of mounting means such as members 22 and brackets 15, where the insulation can be adhered to the outer layer 12 of the system by the mesh bracket system. It would have been obvious to one skilled in the art to modify the insulation used in Madsen by substituting any known insulation material used in air gap insulation systems including a fibrous insulation such as fiberglass as suggested by Shahan which teaches that it is old and well known in the art to use fibrous insulation in spaced air gap insulating systems as such is an equivalent material that may be used, and one skilled in the art would only require common sense to make the substitution to an equivalent material which would be expected to function the same as another insulation material, and to provide a mesh layer to help support the insulation material to define the air gap in combination with the mounting means which would insure the air gap is properly provided thereby insuring the proper functioning of the air gap as would only require routine common sense to provide such a structure to an equivalent type of insulation system having an air gap.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen (AU-13469/95) in view of Glasoe. The reference to Madsen discloses all of the recited structure with the exception of providing brackets on the vessel to attach the insulation panels to. The patent to Glasoe discloses that it is old and well known to provide a vessel with a plurality of brackets 22 to attach insulation panels thereto. It would have been obvious to one skilled in the art to provide the insulation system of Madsen with a plurality of brackets provided on the vessel to attach the insulation panels to as suggested by Glasoe where such would better protect the vessel from damage as the panels are being installed thereby saving repair costs, where such would only require common sense to provide an equivalent structure known for use in the same type of system, and such would therefore be expected to result in a functioning system.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen (AU-13469/95) in view of Rutter. The reference to Madsen (AU-13469/95) discloses all of the recited structure with the exception of providing a fast connector to hold the insulation panel in place. The patent to Rutter discloses that it is old and well known in the art to use a fast connector such as shown in figure 1a to hold insulation in place where such is equivalent to a bolted structure. It would have been obvious to one skilled in the art to modify the connectors in Madsen (AU-13469/95) by substituting a fast connector for the threaded bolt connector to allow for faster installation of the insulation, as suggested by Rutter where such be expected to function the same as an alternate connection method, and where one skilled in the art would look to Rutter for an

alternative connection which was faster to utilize for faster installation times to reduce costs for labor.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen (AU 13469/95) in view of Shahan as applied to claims 2, 19, 20, 29-31, 33, and 35 above, and further in view of Matthews. The patent to Madsen as modified discloses all of the recited structure with the exception of providing an acrylic emulsion in the insulation. The patent to Matthews discloses that it is old and well known to provide insulations with an acrylic emulsion to protect the insulation. It would have been obvious to one skilled in the art to modify the insulation in Madsen as modified to be an insulation provided with an acrylic emulsion as suggested by Matthews where such would prevent premature failure of the insulation and save replacement costs.

Claims 1, 2, 19-21, 23, 25, 27-33, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shahan in view of Madsen (AU-13469/95). The patent to Shahan discloses all of the recited structure with the exception of the mounting means directly securing the outer wall to the panel, however, it is noted that if one were to consider the brackets 15 in combination with the mounting means 22 would form the mounting means then such would teach this structure. The reference to Madsen discloses the structure above, including where the mounting means is formed of a single structure that connects the outer wall to the outer surface layer. It would have been obvious to one skilled in the art to modify the mounting means in Shahan to directly connect the panel to the outer wall as suggested by Madsen where such is an

equivalent manner to form a mounting means, such as in one piece as opposed to plural pieces, where such would be expected to function in the same manner and would only require routine skill in the art and common sense to form the mounting means as a single piece element.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shahan in view of Madsen (AU-13469/95) as applied to claims 1, 2, 19-21, 23, 25, 27-33, 35 and 36 above, and further in view of Rutter. The patent to Shahan as modified discloses all of the recited structure with the exception of providing a fast connector to hold the insulation panel in place. The patent to Rutter discloses that it is old and well known in the art to use a fast connector such as shown in figure 1a to hold insulation in place where such is equivalent to a bolted structure. It would have been obvious to one skilled in the art to modify the connectors in Shahan as modified by substituting a fast connector for the threaded bolt connector to allow for faster installation of the insulation as suggested by Rutter where such be expected to function the same as an alternate connection method, and where one skilled in the art would look to Rutter for an alternative connection which was faster to utilize for faster installation times to reduce costs for labor.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shahan in view of Madsen (AU-13469/95) as applied to claims 1, 2, 19-21, 23, 25, 27-33, 35 and 36 above, and further in view of Glasoe. The patent to Shahan as modified discloses all of the recited structure with the exception of providing brackets on the vessel to attach the insulation panels to. The patent to Glasoe discloses that it is old

and well known to provide a vessel with a plurality of brackets 22 to attach insulation panels thereto. It would have been obvious to one skilled in the art to provide the insulation system of Shahan as modified with a plurality of brackets provided on the vessel to attach the insulation panels to as suggested by Glasoe where such would better protect the vessel from damage as the panels are being installed thereby saving repair costs.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shahan in view of Madsen (AU 13469/95) as applied to claims 1, 2, 19-21, 23, 25, 27-33, 35 and 36 above, and further in view of Matthews. The patent to Shahan as modified discloses all of the recited structure with the exception of providing an acrylic emulsion in the insulation. The patent to Matthews discloses that it is old and well known to provide insulations with an acrylic emulsion to protect the insulation. It would have been obvious to one skilled in the art to modify the insulation in Shahan as modified to be an insulation provided with an acrylic emulsion as suggested by Matthews where such would prevent premature failure of the insulation and save replacement costs.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 19-23, and 25-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James F. Hook
Primary Examiner
Art Unit 3754

JFH